

1. That the Plaintiff, Angela Swallow, is a resident of Rio Rancho, Sandoval County, New Mexico.
2. That the Defendant, Cadillac Jack, Inc., (hereinafter referred to as “Cadillac Jacks”), is a corporation organized under the laws of the State of South Dakota, and entity owns and operates “Cadillac Jacks”, a hotel/casino in Deadwood, Lawrence County, South Dakota.
3. That the incidents of negligence that for the subject matter of this litigation

occurred in Lawrence County, South Dakota, within the confines of the Western Division of the United States District Court.

4. Jurisdiction in the Court is based upon 28 U.S.C. 1332 (a) (1) in that there is complete diversity of citizenship between the parties, and the amount in controversy is in excess of Seventy-five Thousand Dollars (\$75,000) exclusive of interest and costs.

### **GENERAL ALLEGATIONS**

5. That the Defendant, Cadillac Jack, Inc., owns business property located at 360 Main Street, Deadwood, Lawrence County, South Dakota.

6. That on April 5, 2009, the Plaintiff was traveling to Deadwood for an evening of entertainment with friends.

7. That on such date, the Plaintiff was in Cadillac Jacks and utilizing the services provided to its patrons.

8. That upon her departure from Cadillac Jacks, the Plaintiff, Angela Swallow, was injured while walking across the parking lot and came across an unmarked, defective, pipe cap and hole located on the parking lot of the Cadillac Jacks' premises.

9. That said defective condition appeared to be created during the construction of the property, is defective in nature, and had been in existence for a long period of time prior to the fall of the Plaintiff, Angela Swallow.

10. That because of the parking configuration at the Cadillac Jacks, the Plaintiff, along with other members of the public, are required to walk over that area, including the defective portion of the parking lot where the pipe cap is located, and creates an inherited hazard for any pedestrian.

**COUNT ONE – NEGLIGENCE**

11. Plaintiff re-alleges paragraphs 1-10 as though fully set forth herein.

12. That Cadillac Jacks was, or should have been aware, that its patrons would exit Cadillac Jacks and proceed in all directions to other locations in Deadwood, Lawrence County, South Dakota.

13. That Cadillac Jacks owed a duty of care to the Plaintiff to, among other things, warn their patrons of any dangerous, concealed, or otherwise poorly designed conditions in or near the premises.

14. That Cadillac Jacks owed its Patrons the duty commensurate with the status of its patrons.

15. That such duty was, at a minimum, the duty owed to an invitee or business visitor.

16. That Cadillac Jack's duty included taking into account the safety of its patrons.

17. That Cadillac Jack's duty included, but was not limited to, adequate design and construction of the parking lot to prevent hazardous areas from being formed, the duty to warn of dangerous or concealed conditions, or other dangerous conditions to which they were aware or through the use of ordinary care in the operation of the business should have been aware, and take other appropriate steps to minimize the potential for injury to patrons walking to and from Cadillac Jacks.

18. That Cadillac Jacks breached its duty owed to the Plaintiff.

19. That the Plaintiff incurred damages as a legal result of the breach of the duty owed to her by Cadillac Jacks.

20. As a direct and proximate result of the Defendant's actions set forth above; the

Plaintiff, Angela Swallow, received serious and permanent personal injuries, experienced and will experience pain and suffering, incurred and will incur medical expenses, has been affected in her ability to work, suffers permanent disability, and has suffered a loss of enjoyment of life.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against the Defendant, all in an amount to be determined by a jury, plus prejudgment interest, Plaintiff's costs and disbursements herein, and for further relief as the Court deems equitable and just under the circumstances to include but not be limited to the following:

1. Reasonable and necessary medical expenses, both past and future;
2. Past and future pain and suffering;
3. An award for the permanent injury to the Plaintiff;
4. An award for any and all other damages as proven by the evidence in this case;

and

5. For any other relief provided for by law or proven by the facts and evidence in this case.

Dated this 5 day of June, 2011.

MORMAN LAW FIRM

BY: \_\_\_\_\_

Michael W. Strain  
Attorney for the Plaintiffs  
850 Main Street - P.O. Box 729  
Sturgis, SD 57785  
(605) 347-3624

**TRIAL BY JURY IS HEREBY DEMANDED**